

## **BILL ANALYSIS**

H.B. 302  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been suggested that, while the law relating to sexual assault includes multiple ways of describing a lack of consent, it is incomplete. This increases the difficulty for prosecutors to charge and obtain a conviction when a sexual assault occurs. Furthermore, the difficulty in prosecuting also discourages victims from reporting their assaults. H.B. 302 seeks to remedy this situation by expanding the circumstances under which sexual assault is considered to be without the consent of the victim.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 302 amends the Penal Code to include the following as circumstances under which a sexual assault is considered to be without the consent of the other person:

- the actor knowing the other person is intoxicated by any substance such that the other person is incapable of appraising the nature of the act;
- the actor knowing that the other person has withdrawn consent to the act and the actor persisting in the act after consent is withdrawn; or
- the actor being a caregiver hired to assist the other person with daily life activities and causing the other person to submit or participate by exploiting the other person's dependency on the actor.

### **EFFECTIVE DATE**

September 1, 2021.